

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

HOSEA L. ROBINSON, SR., )  
                                  )  
                                  )  
Plaintiff,                    )  
                                  )  
                                  )  
v.                             )                                    No. 4:18-CV-1232 SNLJ  
                                  )  
                                  )  
STATE OF MISSOURI, et al., )  
                                  )  
                                  )  
Defendants.                    )

**MEMORANDUM AND ORDER**

Before the Court is plaintiff's motion for sanctions. Plaintiff was ordered on August 14, 2018, to file an amended complaint on a court-provided form. Instead of complying with this Court's Memorandum and Order, he has filed a separate "motion for sanctions," which includes allegations against defendants that should be included in an amended complaint. The Court does not accept amendments by interlineation or supplementation. *Popoalii v. Correctional Medical Services*, 512 F.3d 488, 497 (8th Cir.2008) (finding that it is appropriate to deny leave to amend a complaint when a proposed amendment was not submitted with the motion). Therefore, plaintiff's motion for sanctions will be denied.

As set forth in the Court's August 14, 2018 Memorandum and Order, plaintiff is required to file either a motion to proceed in forma pauperis<sup>1</sup>, as well as an amended complaint on a court-provided form no later than September 4, 2018. In his amended complaint, plaintiff must include each and every claim against defendants that he wishes to bring. Plaintiff is warned that the filing of an amended complaint replaces the original complaint, and claims that are not

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<sup>1</sup> Plaintiff may either pay the full filing fee or file a motion to proceed in forma pauperis.

realleged are deemed abandoned. *E.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005).

In the “Caption” section of the amended complaint, plaintiff must state the first and last name, to the extent he knows it, of each defendant he wishes to sue. Plaintiff should also indicate whether he intends to sue each defendant in his or her individual capacity, official capacity, or both.<sup>2</sup>

In the “Statement of Claim” section, plaintiff should begin by writing the first defendant’s name. In separate, numbered paragraphs under that name, plaintiff should set forth the specific factual allegations supporting his claim or claims against that defendant, as well as the constitutional right or rights that defendant violated. Plaintiff should only include claims that arise out of the same transaction or occurrence, or simply put, claims that are related to each other. *See Fed. R. Civ. P. 20(a)(2)*. Alternatively, plaintiff may choose a single defendant and set forth as many claims as he has against that defendant. *See Fed. R. Civ. P. 18(a)*.

If plaintiff is suing more than one defendant, he should proceed in the same manner with each one, separately writing each individual defendant’s name and, under that name, in numbered paragraphs, the allegations specific to that particular defendant and the right(s) that defendant violated. Plaintiff’s failure to make specific and actionable allegations against any defendant will result in that defendant’s dismissal from this case.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s motion for sanctions [Doc. #7] is **DENIED** without prejudice.

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<sup>2</sup> The failure to sue a defendant in his or her individual capacity may result in the dismissal of that defendant.

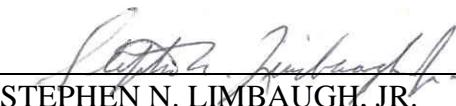
**IT IS FURTHER ORDERED** that in accordance with the instructions set forth in the Court's August 14, 2018 Memorandum and Order, plaintiff is required to file an amended complaint, on a court-provided form, in this action no later than September 4, 2018.

**IT IS FURTHER ORDERED** that no later than September 4, 2018, plaintiff must either pay the \$400 filing fee or submit a motion to proceed in forma pauperis.

**IT IS FURTHER ORDERED** that if plaintiff files a motion to proceed in forma pauperis, he must also file a certified copy of his prison account statement for the six-month period preceding the filing of the complaint.

**IT IS FURTHER ORDERED** that if plaintiff fails to comply with this Memorandum and Order, the Court will dismiss this action without prejudice.

Dated this 22<sup>nd</sup> day of August, 2018.



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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE